

United States District Court

OCT - 5 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jose Luis Gomez-Hernandez

PRINCIPAL

the United Mexican States

Case Number:

YOB: 1974

M-16-1848-M

Oralia Gutierrez-Jimenez

CO-PRINCIPAL

the United Mexican States

YOB: 1977

Tomas Garcia-Acosta

CO-PRINCIPAL

the United Mexican States

YOB: 1977

Maria De Jesus Herrera-Rojas

CO-PRINCIPAL

the United Mexican States

YOB: 1972

Clara Garcia-Acosta

CO-PRINCIPAL

the United Mexican States

YOB: 1979

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 3, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Saul Alberto Rodriguez-Guevara, Mario Jose Rivas-Cruz, and Jhoselin Beatriz Fuentes-Aguilar, citizens and nationals of El Salvador, along with forty-eight (48) other undocumented aliens, for a total of fifty-one (51), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

Border Patrol Agents received information about a suspected stash house located on 3609 Hermenegildo Garza Drive Apt #4, Mission, Texas.

On October 3, 2016, Agents were conducting surveillance at the apartment complex located at 3609 Hermenegildo Garza Drive in Mission, Texas. Agents observed several females exit apartment #2 located in the same apartment complex. The females were later identified as Oralia Gutierrez-Jimenez and Clara Garcia-Acosta carrying food and several bags to apartment #4. Later, Agents observed a grey Ford Focus arrived at the location, a male driver exited the vehicle and enter apartment #2. Moments later the driver and another subject were observed taking large quantities of water from the vehicle to apartment #2. The driver then re-entered the vehicle and drove off. SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved [Signature]
Sworn to before me and subscribed in my presence,

October 5, 2016
Date

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Complainant

Francisco Sanchez Senior Patrol Agent
Printed Name of Complainant

at McAllen, Texas
City and State

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1848-M

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 Tomas Garcia-Acosta
 Maria De Jesus Herrera-Rojas
 Clara Garcia-Acosta**

CONTINUATION:

Agents followed the vehicle to a nearby Family Dollar store. There agents approached the driver and questioned him about his involvement in alien smuggling activities. The subject was identified as Jose Luis Gomez-Hernandez a citizen of Mexico illegally present in the United States. Gomez denied any involvement in alien smuggling. Agents read Gomez his Miranda Rights and placed him under arrest. Gomez invoked his rights and refused to answer any questions. All questions stopped at that time. A search of the subject's front pocket, revealed two notebooks containing a list of names.

Agents along with Hidalgo County Constables proceeded to conduct a "Knock-and-talk" of apartments #2 and #4. As the agents approached apartment #2, they encountered two subjects outside the apartment. The subjects were identified as Herrera-Rojas, Maria and Garcia-Acosta, Tomas who claimed to be the renters of apartment #2; both subjects gave consent to search their residence. The searched revealed seven illegal aliens. At this time, both subjects were placed under arrest for suspicion of alien smuggling.

As agents approached apartment #4, they observed a female standing over by the front entrance holding the door open. Agents identified themselves and walked towards the female to question her. As the agents approached the female, they observed several people cramped inside the apartment. The female subject was later determined to be a smuggled alien. A total of 44 subjects voluntarily exited apartment #4 and after being questioned by agents, all were found to be illegally in the United States.

Principal Statement #1:

Jose Luis Gomez-Hernandez, a citizen of Mexico, was read his Miranda Rights and refused to answer questions without the presence of an attorney.

Principal Statement #2:

Oralia Gutierrez-Jimenez, a citizen of Mexico, was read her Miranda Rights. She understood her rights and provided a sworn statement without the presence of an attorney.

Gutierrez stated she illegally entered the United States about a month ago. Gutierrez also stated that she was transported to apartment #2 by Jose Luis Gomez-Hernandez. Gutierrez indicated that she dropped off food a couple of times to apartment #4. She denies being compensated for her involvement but Gutierrez stated that she suspected Jose Luis Gomez-Hernandez, Tomas Garcia-Acosta, and Clara Garcia-Acosta were involved in alien smuggling.

Principal #3:

Tomas Garcia-Acosta a citizen of Mexico was read his Miranda Rights. He understood his rights and provided a sworn statement without the presence of an attorney.

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CONTINUATION:

Garcia admitted to harboring undocumented aliens in his apartment for about a month and a half. Garcia stated that he receives \$300 USD a month to keep illegal aliens in his apartment. Garcia claims that different people drop off the illegal aliens at his apartment and as soon as the aliens arrive he takes their cellular phones away. Garcia stated that he also buys food and other items for the illegal aliens. Garcia would prohibit the illegal aliens from going outside the apartment and would tell them to stay quiet.

Principal #4:

Maria De Jesus Herrera-Rojas, a citizen of Mexico, was read her Miranda Rights, understood her rights and provided a sworn statement without the presence of an attorney.

Herrera stated that she illegally entered the United States around October 3, 2009. Herrera claims to reside at apartment #2 for the past six years. She stated that she had no knowledge of the subjects found inside her apartment nor did she have any knowledge of the subjects found next door. Herrera claims that her front door is occasionally left open and doesn't know how the illegal aliens made entry into her apartment. Herrera denied cooking for any of the illegal aliens.

Principal #5:

Clara Garcia-Acosta, a citizen of Mexico, was read her Miranda Rights, understood her rights and refused to answer questions without the presence of an attorney.

Material Witness #1:

Saul Alberto Rodriguez-Guevara, a citizen of Mexico, was read his Miranda Rights, understood his rights, and provide a sworn statement without the presence of an attorney.

Rodriguez, a citizen of El Salvador, stated his father made the smuggling arrangements and paid \$9,000 USD to be smuggled into the United States. Rodriguez stated that he was transported by Jose Luis Gomez-Hernandez to the apartment where he was arrested. He also stated that he would see Gomez drop off food at the apartment.

Rodriguez identified Gomez through a photo lineup as the man who picked him up and also brought food to the apartment.

Rodriguez stated that Oralia Gutierrez-Jimenez would bring food and that she would take food to both apartments. Rodriguez identified Gutierrez through a photo lineup as a caretaker.

Rodriguez also identified Tomas Garcia-Acosta through a photo lineup as another person who was in charge of both apartments. Rodriguez claims that Garcia instructed him to move from apartment #4 to apartment #2 because there was too many people at apartment #4.

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CONTINUATION:

Rodriguez additionally identified Maria De Jesus Hererra-Rojas through a photo lineup as another person who would help other caretakers and give orders on when ~~we~~ could cook.

that FS

Furthermore, Rodriguez identified Clara Garcia-Acosta through a photo lineup as another person who would give instructions, help other caretakers, and tell them when to eat.

Material Witness #2:

Jose Mario Rivas-Cruz was read his Miranda Rights. He understood his rights and provided a statement without the presence of an attorney.

Rivas, a citizen of El Salvador, stated that his brother made the smuggling arrangements and paid \$2,700. He was smuggled into the U.S. on September 27, 2016 and transported to the apartment where he was later arrested. At the apartment, Tomas Garcia-Acosta instructed them to stay inside, be quiet and get food from the kitchen if they were hungry. Rivas identified Garcia through a photo lineup as the one in charge of the stash house.

Rivas claimed that Jose Luis Gomez-Hernandez was the person that would bring food and water to them. Rivas identified Gomez through a photo lineup as a caretaker.

Rivas stated that Maria Herrera-Rojas provided food for everyone. She stated that Herrera prepared food for both rooms. Rivas identified Herrera through a photo lineup as a caretaker.

Rivas stated that Oralia Gutierrez-Jimenez would also bring food and water to the stash house. Rivas identified Gutierrez through a photo lineup as a caretaker.

Lastly, Rivas claimed that he saw Clara Garcia-Acosta on one occasion, provide food to the illegal aliens. Rivas identified Clara Garcia-Acosta through a photo lineup as a caretaker.

Material Witness #3:

Jhoselin Beatriz Fuentes-Aguilar was read her Miranda Rights. She understood her rights and provided a statement without the presence of an attorney.

Fuentes, a citizen of El Salvador, stated her father made the smuggling arrangements but does not know how much was paid. She was smuggled into the United States on September 27, 2016 and transported to the apartment where she was later arrested. Fuentes indicated that Jose Luis Gomez-Hernandez delivered food, instructed people to stay quiet and took people's cellular phones away. Fuentes stated that Gomez also directed people to different rooms to avoid being over crowded. Fuentes identified Gomez through a photo lineup as the caretaker.

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CONTINUATION:

Fuentes stated that Oralia Gutierrez-Jimenez was the person that would bring food and instructed the people to cook and clean the apartment. Fuentes identified Gutierrez through a photo lineup as a caretaker.

Fuentes claimed that Tomas Garcia-Acosta also delivered food to them. Fuentes identified Garcia through a photo lineup as a caretaker.

Fuentes further stated that Maria Herrera-Rojas appeared to be the owner of the apartment and instructed them to cook and clean. Fuentes identified Herrera through a photo lineup as the caretaker.

Lastly, Fuentes stated that she saw Clara Garcia-Acosta deliver food to them on one occasion. Fuentes identified Clara Garcia-Acosta through a photo lineup as a caretaker.